

United States District Court
for the
Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
OCT 21 2004
TIME A.M.



Name of Offender: Mark Hall

Case Number: CR-03-271 (JBW)

Name of Sentencing Judicial Officer: The Honorable Jack B. Weinstein, Senior U.S. District Judge

Date of Original Sentence: October 8, 2004

Original Offense: Importation of Cocaine Base, in violation of 21 U.S.C. § 973 and § 960 (b)(3),
a class C felony.

Original Sentence: One (1) day of custody and five (5) years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: October 8, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for ____ years, for a total term of ____ years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall participate in an Anger Management program as directed and approved by the Probation Department. The defendant shall contribute to the cost of services rendered via co-payment or full payment in an amount to be determined by the probation department, based upon the defendant's ability to pay and/or the availability of third party payment.

CAUSE

On June 25, 2005, the releasee was arrested by officers of the New York Police Department (NYPD) 67th Precinct in Brooklyn, New York. He was charged with Criminal Mischief in the Fourth Degree (a misdemeanor), however, the arrest was voided on the same date after further investigation by the Brooklyn District Attorney's Office. The Probation Officer was notified on June 27, 2005, by the FBI and confirmed with the 67th Precinct that the above-mentioned arrest was voided a few hours after the arrest occurred. Our investigation, reveals that the releasee and his girlfriend, Patrice Mayers, were involved in an argument on June 23, 2005, in their residence. According to the arrest report, the releasee allegedly destroyed his girlfriend's hand-held MP3 music player and a digital camera and then allegedly slapped her during the course of the argument. She reported the incident to police officers who were called to the couple's apartment by concerned neighbors. Arresting NYPD Detective James Nash, telephonically contacted the releasee on June 26, 2005, and arranged for the releasee to self surrender at the 67th Precinct. The releasee reported to the precinct, with his girlfriend, and she advised the detective she was dropping the charges due to the couple having reconciled. Although the releasee was placed under arrest at that time, the Brooklyn DA's office subsequently declined to prosecute the above-noted arrest due to the lack of a complaining witness.

The undersigned interviewed the releasee's girlfriend, Ms. Patrice Mayers, who advised the argument was mutually physical, in that she also slapped the releasee, and he allegedly slapped her back in an attempt to restrain her and exit the residence. She reported this was a first time incident, however, she felt the couple could use some counseling to avoid future domestic incidents. It is noted that the releasee failed to report his arrest within seventy-two (72) hours, as per condition number (11). The releasee subsequently contacted the undersigned on June 29, 2005, and gave a different version of the incident and stated that he was not arrested, rather it was a "misunderstanding". The releasee was confronted with a copy of the arrest report and he admitted he was arrested but did not consider the incident as a serious offense, rather a domestic argument caused over jealousy by his girlfriend over another female friend. The releasee stated he only broke his girlfriend's personal property in an attempt to get her to allow him leave the residence. Predicated upon the above-mentioned arrest, we proposed to the releasee, a modification of his conditions as an intermediary sanction. The releasee accepted the proposed modification of his Conditions of Supervised Release to include that he participate in an Anger Management program as approved and directed by the Probation Department, as a sanction, as evidenced by the attached waiver.

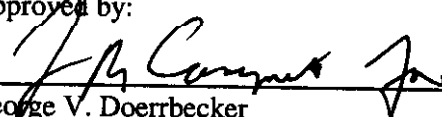
Respectfully submitted:

by


Adriana Korb

Sr. U.S. Probation Officer

Approved by:


George V. Doerrbecker
Deputy Chief U.S. Probation Officer

Date: July 12, 2005

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other


Signature of Judicial Officer


Date

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in an Anger Management program as directed and approved by the Probation Department. The defendant shall contribute to the cost of services rendered via co-payment or full payment in an amount to be determined by the probation department, based upon the defendant's ability to pay and/or the availability of third party payment.

Witness:


U.S. Probation Officer: Adriana Korb

Signed:


Probationer: Mark Hall

7/7/05
DATE: July 7, 2005

FdD
7/13/05